

### **REMARKS**

Claim 1 has been amended by incorporating the subject matter of Claim 10 and by adding new limitation “a data accumulating means...” Consequently, Claim 10 has been canceled. New Claims 18-32 have been added. Support for the amendment to Claim 1 is presented in Claim 10 as originally submitted and Fig 1 for example. Support for the new claims is presented in the specification at page 9 line 23-25, page 14 line1-10, and page 18 line7-12, for example. Thus, no new matter has been added. Applicants respectfully request entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

#### Claim Rejections – 35 U.S.C. § 102

Claims 1-14 and 16 has been rejected under 35 U.S.C. § 102 as being anticipated by Tachibana (US 2005/0029277).

Claim 1, as amended herein, recites the “data accumulating means for storing the identification data”. Accordingly the claimed invention has a capability to store usage history of the syringes and an accidental attempt to use an empty syringe can be avoided. (page 14, line 19-26) The cited reference does not teach or suggest keeping track the usage and does not have data accumulation capability. Thus, the present invention defines a novel feature that produces new advantages.

Applicants respectfully requests withdrawal of the rejection.

#### Claim Rejections – 35 U.S.C. § 103

Claims 15 and 17 have been rejected under 35 USC 103 as being unpatentable over Tachibana in view of Wilson et al. (US patent No. 5,573,515). Wilson et al. are also silent about the data accumulation means. Therefore, the above argument is applicable here. Nothing in the cited art suggests any mechanism to prevent accidental attempt to use an empty syringe, much less the data accumulating means recited in the claims. Accordingly, Applicants respectfully requests withdrawal of the rejection.

New Claims

Since Claim 18 recites the data accumulating means and the rest of the new claims are eventually dependent on Claim 18, all new claims are patentable for the same reasons given with respect to Claim 1.

**CONCLUSION**

In the light of the applicant's amendments to the claims and the following Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

**Application No.:** 10/598,536  
**Filing Date:** September 1, 2006

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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